SINGLE BENCH (+) 6

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 5991 Of 2006

PETITIONER : Smt. Maya Varier W/o Shri Dinesh Varier , aged about 30 years, Assistant Director Office of The Commissioner, Scheduled Tribe and Scheduled Caste Development , University Campus , Raipur (CG).

P.R. No. 6027/06
Presented by Shri Rajeesh Anthony
dated 31/10/06

VERSUS

RESPONDENTS : 1. The State of Chhattisgarh, through the Secretary , Schedule Tribe and Scheduled Caste Development , Department, Mantralay , D.K.S. Bhawan, Raipur (CG).

RECEIVED-COPY
Clerk to A. G. BILASPUR
31/X/06

2. The Commissioner, Tribal Development, University Campus Raipur (CG).

3. Collector , District Rajnandgaon (CG).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5991 OF 2006

Petitioner	:	Smt. Maya Varier
	versus	
Respondents	:	The State of Chhattisgarh and others

Present : Mr. S.K.Thomas, counsel for the petitioner.
Mrs. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORDER
(Passed on 6th of November, 2006)

The petitioner was appointed on the post of District Organizer in Tribal Department. The petitioner, while working as Incharge Assistant Commissioner, Tribal Development, District Rajnandgaon, committed serious irregularities of making purchases worth Rs.6,04,800/- from a particular firm without following purchase rules. The State Government, by order dated 27-9-2006 (Annexure P-1), placed the petitioner under suspension in anticipation of departmental proceedings for alleged irregularities committed by her.

2. Shri S.K.Thomas, learned counsel appearing for the petitioner submits that several officers during this period have made

142

purchases likewise, but no notice has been issued against them or no suspension order has been passed against them.

3. Be that as it may, it is a subject matter of enquiry, wherein the petitioner is at liberty to put forward her case. The petitioner is further at liberty to raise all issues in her defence whatever is permissible in law before the enquiry officer.

4. It is well settled principle of law that the suspension is temporary and it does not involve punishment with civil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of her rank or her status. This Court should refrain itself from interfering with the enquiry at this stage when enquiry is yet to initiate and the petitioner has been suspended on alleged serious allegations.

5. The Supreme Court in *P.L.Shah vs. Union of India*[1] has considered nature of suspension and held as under :

> "6. An order of suspension is not an order imposing punishment on a person found to be guilty. It is an order made against him before he is found guilty to ensure smooth disposal of the proceedings initiated against him. Such proceedings should be completed expeditiously in the public interest and also in the interest of the Government servant concerned. xxx xxx xxx"

(143)

6. For the reasons above-stated, this petition is dismissed.

No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1 AIR 1989 SC 985

Gopal